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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,073	02/13/2002	William Glen Harter	A0000428-01-CFP	7569
28880	7590	05/05/2005	EXAMINER	
WARNER-LAMBERT COMPANY 2800 PLYMOUTH RD ANN ARBOR, MI 48105				TRUONG, TAMTHOM NGO
ART UNIT		PAPER NUMBER		
		1624		

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/075,073	HARTER ET AL.
	Examiner	Art Unit
	Tamthom N. Truong	1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6-10, 13-23, 33, 46, 53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 10 is/are allowed.
- 6) Claim(s) 6-9, 23, 33, 46, 53 and 54 is/are rejected.
- 7) Claim(s) 13-22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-7-05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## FINAL ACTION

Applicant's amendment of 03-07-05 has been fully considered. The amended claims 6, 53 and 54 have overcome the previous 102 rejections based on **Ahluwalia et. al.**, and **Rajappa et. al.** by excluding the disclosed compounds. However, the new proviso does not have support in the specification, and thus, raises new matter.

Claims 1-5, 11, 12, 24-32, 34, 35 and 47-52 have been cancelled.

Claims 6-10, 13-23, 33, 46, 53 and 54 are pending.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. **New Matter:** Claims 6-9, 23, 33, 46, 53 and 54 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 6 recites the proviso of "*and further provided that the compound of Formula II is not thieno[2,3-d]pyrimidine-6-carboxylic acid, 1,2,3,4-tetrahydro-1,3-bis(2-methoxyphenyl)-4-oxo-2-thioxo, methyl ester.*" Claims 53 and 54 recite the proviso of "*and further provided that the compound of Formula II is not thieno[2,3-*

*d]pyrimidine-6-carboxylic acid, 1,2,3,4-tetrahydro-1,3-bis(2-methoxyphenyl)-4-oxo-2-thioxo, methyl ester or thieno[2,3-d]pyrimidine-6-carboxylic acid, 1,2,3,4-tetrahydro-3,5-dimethyl-2,4-dioxo-1-phenyl, ethyl ester.*" The specification does not have support for excluding said compounds in term of a preferred embodiment, which would guide one skilled in the art to select certain compounds, and not others.

Claims 7-9, 23, 33 and 46 are rejected as being dependent on claim 6, 53 or 54 and carrying over the new proviso.

#### ***Claim Objections***

2. Claims 13-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The species recited in claims 13-22 are not taught or suggested by the prior arts of record.

#### ***Allowable Subject Matter***

3. Claim 10 is allowable because it recites compounds of Formula III, in which the positions of R<sup>1</sup>, R<sup>4</sup> are fixed relative to R<sup>3</sup>. With the proviso in claim 10 excluding the compound of Rajappa et. al., there is no anticipation or *prima facie* case of obviousness.

#### ***References cited on PTO-892***

4. An update search yields related references cited on PTO-892. While they teach compounds of substituted thieno[2,3-d]pyrimidine, they fail to teach a substituent equivalent to

the instant A-B-R<sup>3</sup> of the formulae claimed herein. Therefore, said references only show state of the art.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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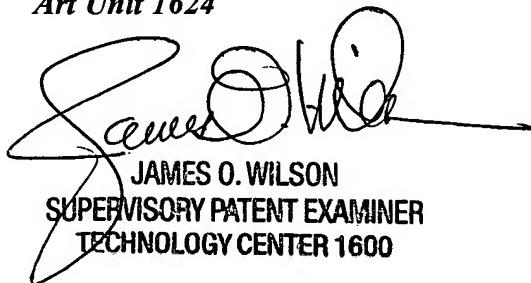
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 571-272-0676. The examiner can normally be reached on M-F (10:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
*Tamthom N. Truong*  
Examiner  
Art Unit 1624

4-20-05

  
*James O. Wilson*  
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